

The Future of Stateless Communities in Contemporary International Relations: A Human Rights Crisis

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ABSTRACT

The issue of statelessness is continuously present in contemporary international relations on a global scale. The condition of having no nationality represents a prominent human rights crisis. There are multiple challenges stateless communities face, which include discrimination, exploitation, and arbitrary detention. This paper explores the multi-faceted factors of statelessness and analyzes the implications for the new world order.

This paper argues that the increasing number of stateless communities can be attributed to broader geopolitical shifts in the forms of the rise of nationalism and moving away from multilateral cooperation. It also highlights the weaknesses of current international legal frameworks in protecting stateless persons. The paper will cover case studies from various regions, notably the Rohingya in Myanmar and the Kurds in the Middle East. These case studies will showcase the hurdles experienced by stateless communities and the human rights violations their communities face. Additionally, the paper analyzes the role of the United Nations High Commissioner for Refugees (UNHCR) in addressing statelessness, arguing that while the UNHCR is crucial in providing support and protection to stateless persons, more comprehensive and long-term solutions are needed.

To conclude, the paper proposes policy recommendations to tackle the issue of stateless communities. These recommendations include promoting inclusive citizen laws, strengthening international legal frameworks on statelessness, and holistic international cooperation and solidarity to adhere to the rights and protection of stateless communities worldwide.

Keywords: Stateless persons, Rohingya, Kurds, Policies, UNHCR, International Relations, World Order

INTRODUCTION

Lack of legal identity, limited access to rights, discrimination, and exclusion are just some of the consequences of being a stateless person. However, in almost all cases, more than just a single or a few stateless persons face these challenges. These challenges are faced on the scale of entire communities globally. While the UNHCR's official count of stateless persons as of 2022 is estimated to be 4.4 million persons, the actual number is likely much higher due to data collection complications (UNHCR, 2024).

This paper will define a stateless person using the 1954 Convention on the Status of Stateless Persons. Article 1 of the Convention states: "A stateless person is a person who is not considered as a national by any State under the operation of its law." (UNHCR, 2018). In short, a stateless person does not have the nationality of any state. While this definition is used in international law and is the basis of how countries and UNHCR identify stateless people, the term 'stateless communities' is not a formal legal definition. For this reason, we will use the term 'stateless communities' as groups of people with a significant portion, if not the majority, of the community being stateless. Rather than defining stateless communities, we can understand their characteristics.

Stateless communities have attributes such as a shared identity among their members; They commonly share the same religion, ethnic, or cultural background. As their status of lacking citizenship continues, statelessness gets passed down from one generation to the next, continuing their issues of exclusion and vulnerability (Melbourne Law School, 2023). Stateless people lack access to social services, employment opportunities, public education, and public health care. Ultimately, without a nationality, stateless communities often live in poverty and have limited access to fundamental rights.

While this human rights issue can be concentrated in certain regions, we can see the prevalence of stateless communities all over the world. From the Rohingya in Myanmar, Kurds in Syria, and Roma in Europe to hill tribes in Thailand, stateless communities are present regardless of their geographical location. The question then becomes, how did the people from these communities become stateless? The short answer is that there are multifaceted factors of statelessness, often originating from a combination of political, legal, social, and historical factors. However, as this paper aims to convey, the continued increase of stateless people and communities can be attributed to geopolitical shifts in the forms of rising nationalism and the tendency to move away from multilateral cooperation.

Stateless communities have existed throughout our history, but only since the mid-20th century has it been an international crisis. Boundary changes combined with population displacement in the aftermath of World War II left a magnitude of people without nationality (U.S. Department of State, 2021). Adding to the process of decolonization during this period, certain groups were increasingly excluded from citizenship. These issues have continued to the present day, with statelessness remaining a crisis.

The current outlook of the world order takes a strong stance against statelessness; there is widespread agreement that statelessness violates fundamental human rights. Reflected in international conventions, UN resolutions, and statements by government and international organizations, statelessness is recognized as an urgent human rights issue.

To highlight the global effort and commitment to tackle statelessness, we can look towards the

targets set in the Sustainable Development Goals (SDGs). The international target is ambitious; they aim to end statelessness by inclusivity by 2030 by providing legal identity for all with SDG Goal 16.9. This SDG Goal tackles the root causes of statelessness by ensuring “legal identity for all, including birth registration, by 2030: (UNSTATS, 2024).

Despite this, not all states have ratified the 1954 and 1961 stateless conventions. This shows weakness in the chain in the universal effort of tackling statelessness, as it limits their legal obligations to adhere to and implement international standards. Moreover, contemporary international perception is a mixture of invisibility, vulnerability, and suspicion. Due to the lack of data and state affiliations, stateless persons are often not included in national surveys or national planning; this makes it a challenge to access their numbers and needs accurately and promptly. This invisibility factor is usually the cause of their inaccessibility to international aid and protection (Siddika, 2019).

The international community also shows a hesitant stance towards stateless communities due to perceived security concerns. Some states view stateless populations with suspicion due to the fear of security threats, and this leads to discriminatory policies and practices (Brennan & McGee, 2023). Further negative perceptions also stem from potential association with terrorism and crime; in some cases, stateless individuals have been wrongly affiliated with terrorism and crime. The role of the international community in promoting stateless communities is vital. Their shifts in perspective are equally vital to the rate of development of stateless communities. There is a growing shift in the perception of stateless people from a security threat to victims of human rights violations, from exclusion to inclusion, from refuting the responsibility of stateless persons to emphasizing the importance of belonging. However, the rate of change in perception is slow. This has led to the issue of stateless communities being in a state of limbo due to the complex interplay of causes from legal, political, and socioeconomic challenges.

Stateless communities being in the state in limbo leads to questions such as who is responsible for these communities, how the current policies have caused statelessness to continue, and what potential next steps are to tackle this issue. To answer these questions, this paper will explore and analyze how contemporary international relations have extended the presence of stateless communities and what the policy recommendations are. Additionally, we will look into the cases of the Rohingya and Kurds to highlight the rise of stateless communities in current times. The following section will analyze the current frameworks that support stateless communities and the rise in stateless population in recent times whilst incorporating the case studies on the Rohingya and the Kurds into the discussion.

LITERATURE REVIEW

There are various international actions through legal frameworks, advocacy campaigns, and direct on-the-ground projects to respond to statelessness. However, first, there must be a foundational legal basis on which the rights of stateless persons can be identified. The two main foundational frameworks are the UN conventions, the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness. The 1954 Convention on the Status of Stateless Persons defines who is considered stateless and lays down the guidelines on the minimum standards of treatment of the stateless. These foundational elements include their right to access education, healthcare, and employment (OHCHR, 1954). Additionally, the 1954 convention established the right for stateless people to identify, administrative assistance, and travel documents. Moving to the 1961 Convention on the Reduction of Statelessness, this vital convention outlines the required actions and measures

that States, and the international community should undertake to provide nationality to the stateless (UNHCR, 1961). This provision requires States to exercise inclusiveness in their nationality laws to prevent statelessness at birth and throughout their lives. However, most importantly, this convention guarantees that children are to receive the nationality of the country they are from in cases where they cannot acquire any other nationality. Batchelor (2005) analyzes the implementation of these conventions within the European Union and finds that there may be gaps in the full implementation of the conventions and varying methods of identifying and processing each stateless person's case from one country to the next. However, the member states have a common understanding of the legal definition of statelessness.

UNHCR (2014) launched an advocacy and awareness campaign, #IBelong, which aims to end global statelessness by 2024. This global action plan also provides a framework to address statelessness by promoting adherence to the UN Statelessness Conventions. Since this ten-year campaign is reaching its final year, UNHCR has reassessed the evolving needs of stateless communities and has updated the campaign to be the Global Action Plan 2.0 (Refworld, 2024). Warria & Chikadzi (2022) highlights the crucial role of the UN Refugee Agency, the UNHCR role in this global issue. Their study analyzed the pillars of UNHCR in their work against statelessness, which includes identification, protection, prevention, reduction, and awareness. In each of these elements, the UNHCR plays a vital role in orchestrating collaboration between governments and civil society organizations on each action pillar. Stateless Alliance (2024) further explains the UNHCR's comprehensive approach that combines policy reform, legal advocacy, ground support, and awareness campaigns that have been the catalyst in addressing statelessness. Despite the extensive coverage of UNHCR efforts, many states still need to adopt the stateless conventions, which will result in uneven global implementation.

To showcase the rise of stateless communities over the years is a tough assignment. There is a significant hurdle to obtaining precise figures on statelessness due to a lack of comprehensive data collection in addition to underreporting in many cases. Due to this disturbance, the figures that the UNHCR obtains are largely estimates, and they have acknowledged that their figures could be more represented. The Institute on Statelessness and Inclusion (ISI, 2020) has also highlighted the limited historical data on statelessness. They concluded that comprehensive and consistent data collection on stateless communities was not prioritized in the mid-2010s and that adequate data collection methods have only been recently implemented. However, the 2014 benchmark of 10 million stateless people worldwide collected by the UNHCR provides the baseline for future efforts (UNHCR, 2024). Data collected by RLS Geneva (2020) show that while the number of stateless persons has not risen dramatically from 2010 to 2019, the numbers have also not decreased dramatically. The number of stateless persons hovered between three and four million stateless persons between 2010 and 2019.

The same study by RLS Geneva (2020) also provided a stark revelation that half of the stateless population in 2019 lived primarily in four countries. These four countries are Cote d'Ivoire, Bangladesh, Myanmar, and Thailand, with Cote d'Ivoire and Bangladesh having the most number of stateless persons. Looking at the numbers in 2023, a comprehensive data collection by Antanovic (2023) indicated that the four countries aforementioned remain the same top four countries with the most stateless population. In 2023, Bangladesh topped the chart with 971,898 stateless persons, followed by Cote d'Ivoire with 930,978, then Myanmar at 632,789, and Thailand at 587,132. An important note is that despite the largest populations of stateless persons being present in less or least-developed countries. In some cases, the number of stateless persons in developed countries also reaches tens of thousands. In 2023, Germany had a total of 28,964 stateless persons present (Pieper, 2023), Sweden had a total of 18,698 stateless



persons (Stateless Index, 2023), and Australia had a total of 8,073 stateless persons (Parliament of Australia, 2023). This indicates that statelessness is not solely present in less developed states or in political turmoil or war. This indicates that statelessness is on a global scale, and all states need to address this issue regardless of their developmental stage.

The high number of stateless persons in both Myanmar and Bangladesh may not come as a surprise when noting that it is the region where the Rohingya people are located. The Rohingya population is considered the largest stateless community in the world, with over 1 million Rohingya refugees living in Bangladesh and an estimated 600,000 living in Myanmar's Rakhine State (MSF, 2024). Another large stateless community is the Kurds. The Kurds are a non-Arab ethnic group of 25 to 35 million people. On the contrary, many hold the nationality of the countries where they live; they lack a homeland or a state that aligns with their identity (Rybarczyk, 2024). These two case studies show the carrying degrees of statelessness. While the Rohingya are considered stateless persons under international law, their statelessness is more absolute. At the same time, the Kurds hold citizenship of their country of residence but instead have a “de facto statelessness” with their experience of suppression of their cultural and political rights.

RESEARCH METHODOLOGY

This research paper will utilize a qualitative approach; more specifically, it will use documentary research methods to allow a comprehensive analysis of available literature and data on statelessness. Primarily, the research will employ secondary sources such as reports, books, and academic papers on international law, human rights, and stateless communities. All documentary data was collected through open-source databases to obtain data on international legal documents on stateless communities such as the Rohingya and the Kurds. Collected data is then analyzed through critical analysis, logical analysis, and content analysis to ensure comprehensive research results and recommendations. The research findings will contribute to a deeper understanding of the complexity of the challenges of stateless communities and provide informed policy recommendations to address this urgent human rights crisis.

DISCUSSION AND RECOMMENDATIONS

From this research, the results indicate that from the perspective of international relations, the causation and extension of stateless communities can be attributed to the shift in political agendas in the form of the rise of nationalism and the tendency to move away from multilateral cooperation. This section will go through each of these findings while incorporating the cases of the Rohingya and the Kurds into the discussion. This leads to the following question: What are the desired policy changes required to strengthen international legal frameworks for long-term solutions for stateless communities? The final section aims to analyze the results to answer this question in addition to recommended policies to move forward with global action to end statelessness.

The Rise of Nationalism

The rise of nationalism is often affiliated with positive effects on national unity and pride. On the other hand, it is paradoxical as it has also contributed to the growth of stateless communities. Due to the nature of nationalism, the effect of this can lead to the emphasizing of the interest of a particular state or ethnic group. This leads to the exclusion of people who are seen as “outliers,” which has ultimately led to the denial of their fundamental rights (Council on

Foreign Relations, 2023). The Kurds are a minority in all the countries they reside in, and this “outlier” effect has led to their discrimination and suppression of their culture within the country that they inhabit.

One form of exclusion from nationalism is through exclusionary citizenship laws. These laws can be considered as exclusive nationalism, where citizenship laws prioritize specific ethnic or religious groups, which in turn makes other groups much more vulnerable to statelessness (Imam & Kpodar, 2019). We can observe this form of discriminatory law during the Rohingya crisis. The passing of the 1982 Citizenship Law denied all forms of citizenship to the Rohingya population as well as denying Burmese citizenship to children born to those considered non-citizens based on their ethnicity, which the Rohingya were no longer recognized as part of Myanmar’s ethnic groups due to this exclusive law (Brett & Hlaing, 2020). The mass displacement of Rohingya can also be described as an ethnic-nationalist conflict. This form of nationalist movements with ethnic motives can escalate towards disruption of the civil registration systems. Within the chaos of displacement and possible armed conflicts, individuals may lose their identification documents or have no access to register births and deaths (UNICEF, 2023). These events have resulted in creating legal limbo for the victims of loss of identification documents as they cannot prove their nationality and access their rights. In the long term, they may be deemed stateless without progress on their registration.

Nationalist agendas may also weaken the state's international cooperation with agendas that prioritize national sovereignty and self-preservation. We can also observe the rise of nationalist populism recently, with states withdrawing from long-standing international agreements in favor of adopting more restrictive immigration policies (Humble, 2022). The inward-looking trend has caused debates at all levels of the national legal systems on whether national sovereignty is prioritized over human rights norms. This self-interest approach has also hindered the global efforts that are required to tackle statelessness as this process requires cross-border cooperation on both fronts on the foundational basis towards universal human rights.

Nationalism towards the more extreme spectrum can create a climate of fear and xenophobia. Hyper-nationalism can turn fear and xenophobia into perception of minorities and migrants as threats to national security and cultural identity (Elias, 2024). There is a construction of a “Us vs. Them” mentality when there is an extreme form of nationalism; the narratives through political rhetoric and media portrayals emerge, causing increased perception of outsiders as threats. The Kurds are often portrayed as outsiders, even in states where they have resided for generations (Turkey, Iran, Iraq, and Syria). There are present negative stereotypes about Kurds, depicting them as backward and uncivilized, and these notions are often used by politicians, religious leaders, and media outlets to suppress the Kurds in their population (Tutkal, 2024). The Kurds are one of the victims of nationalist practices in their aspirations to establish their independent state, having been consistently denied by nationalist agendas in states where they have resided for centuries.

Moving Away from Multilateral Cooperation

There have been recent developments of states shifting away from multilateral cooperation in favor of unilateralism and isolationism. This shift away from international cooperation has affected the current world order and made it more susceptible to an increase in statelessness. Moving away from multilateral cooperation leads to more statelessness, which is likely to occur and is less likely to be resolved.

First and foremost, multilateral institutions are the key pieces in the coordination of

humanitarian and development efforts (FDFA, 2023). The agreement of multilateral cooperation often involves the provision of monetary assistance and humanitarian aid to the state facing statelessness issues. A reduction in international humanitarian aid and development assistance would concur with a decline in funding towards the efforts of ending statelessness. The decline of dialogue with development partners has also led to fragmentation and lack of coordination of efforts, reducing the effectiveness of established projects aiming to support stateless communities. Recently, we saw the United States withdraw from the Global Compact on Migration in 2017 (USUN, 2017); while this is a non-binding agreement, it served as a signal of their retreat from multilateral solutions. The Global Compact on Migration agreement aimed to improve international cooperation in addressing the challenges of stateless migrants, and the withdrawal of the United States gave a clearer picture of their isolationist outlook.

The UK's withdrawal from the EU further highlights the significant powers in the international arena moving towards nationalist and populist movements (Martini & Walter, 2022). These unilateral actions and policies can also be highly impactful on the stateless population. The United States "Muslim Ban" in 2017 portrays how unilateral action toward migration issues fueled by xenophobia can create uncertainty for those who are stateless or at risk of statelessness (Amnesty International UK, 2020). Given the fact that over 100 countries have ratified the 1954 Convention, even fewer countries have ratified the 1961 Convention on the Reduction of Statelessness. Notable states that have not ratified the 1961 Convention include China, India, Myanmar, Thailand, Bangladesh, the United States, and Canada. Not ratifying these conventions could be a result of various factors. It could be the lack of awareness; some states may be unaware of the importance of such conventions. Ratifying could require longer domestic reforms that some state governments may find undesirable. These challenges need to be addressed towards the way forward in encouraging more states to ratify and implement these Statelessness Conventions.

Given the scenario that isolationism and unilateralism policies are set to continue as an international agenda of states, the phenomenon of statelessness across generations will likely continue. This would trap stateless communities in further legal limbo and put them in a cycle of exclusion and vulnerability. The following actions and discussions of global dialogue should involve the path forward toward addressing the issue of statelessness in the current world order.

The Path Forward

Ultimately, the path forward toward solving statelessness would require a multifaceted policy approach with solid policies on both national and international frameworks. Firstly, a universal plan for ratifying and implementing statelessness conventions must be a consistent fixture in international dialogues. These dialogues are advised to include the provisions of the incorporation of the convention's elements into domestic law to achieve effective implementation. Secondly, to combat the issue of registration, it is advised that there are pathways established to improve civil registration and documentation. States that have the capacity for digitalization should explore the possibility of utilizing the digitalization of civil registration and documentation systems, which may speed up the process. This method will ensure that the individual's data is in a permanent and protected system. Additionally, states should provide universal access to identity documents, removing barriers such as registration fees and redundant procedures. Thirdly, there must be a strengthening of international cooperation, not just between states but also between international developmental agencies, civil societies, and local NGOs. The required effort is a holistic effort; there must be information flow between parties that ranges from data collection and sharing to technical

assistance and capacity building. The main theme of these recommendations is inclusivity as well as the elimination of discrimination on the basis that all stateless persons are guaranteed the right to a nationality.

CONCLUSION

The extended presence of stateless communities in contemporary international relations highlights the critical human rights issue at hand, despite international legal frameworks established, such as the 1954 and 1961 Statelessness Conventions, giving a strong foundational legal basis for the protection of stateless persons. The level of implementation and ratification remains uneven. The lack of adherence and priority toward these conventions have hindered progress in addressing statelessness as an international effort. Coupled with the rise of nationalism and isolationism, both national and international states' policies have made introducing more inclusive citizenship laws much more of a challenge. As showcased by the case studies of the Rohingya and the Kurds, stateless communities are often stuck in legal and identity limbo, in addition to their long-standing experience of marginalization, discrimination, and lack of access to basic human rights. The lack of progress in previous decades has now led to these stateless communities transferring their stateless status to the next generation. Given the current trend in national and international policies, measures such as inclusive and non-discriminatory policies need to be introduced to help shift the paradigm.

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